

Statement of

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Mr. Chairman and Honorable Members of Congress, my name is Kenneth Prewitt. I presently teach in the School of International and Public Affairs, Columbia University, where I serve as the Carnegie Professor of Public Affairs and chairman of the Department of International and Public Affairs. I have also taught political science in other universities, including the University of Chicago and Stanford University, from which I earned a Ph D in political science in 1963. Other career positions relevant to my testimony include the Directorship of the National Opinion Research Center, the Presidency of the Social Science Research Council, and Senior Vice-President of the Rockefeller Foundation.

I served as Director of the U. S. Census Bureau, 1998-2000, where my primary responsibility was overseeing the 2000 Decennial Census. In that capacity, I had the privilege of testifying before the House Subcommittee on the Census eighteen times, and other House and Senate Committees another half-dozen times. Since leaving my position with the government, I have written and lectured widely on census matters – including the preparation of a brief monograph titled *Politics and Science in Census Taking* and, as co-author, *The Hard Count: The Challenge of Census Mobilization*. This latter study is an extensive analysis of the major census mobilization effort, generously funded by the Congress, that successfully reversed a three decade long decline in public cooperation with the decennial census. On both sides of the aisle, the 2000 census is generally recognized as one of the most successful in census history – and it is a pleasure to return to the Congress and to offer my personal thank you for the indispensable role you and your colleagues played in this achievement.

Drawing on my experience as Director of the Census Bureau and the studies with which I have been associated since, I offer cautionary comments on the proposed modification to the 14th Amendment of the Constitution. I address four issues: Census Accuracy; A Census Endangered; A Civics Opportunity Lost; The Census and Fairness.

Before taking up these topics, and now speaking as an academic political scientist, I briefly state my primary reason for opposing the Amendment. It runs counter to a fundamental principle that has guided how census-taking and democracy co-evolved starting in 1790. This principle was deliberately, carefully placed into the Constitution by the nation's founders, and was amplified in the nation's early statutes guiding census taking. The founders were mindful that numbers were political, and of course had used colonial censuses to effective political purpose during the War for Independence and as they fashioned governing system. Political arithmetic as it was called was no less central to America's earliest civic life than it is at present.

Because the founders fully understood the pervasive political use of numbers, especially in a representative democracy, they designed the decennial census to be an apolitical, nonpartisan starting point to a process whose end points are inevitably and appropriately political and partisan. This was their genius: *to keep the taking of the census out of politics so that the results of the census could be used in politics*. It is this principle that is at risk should the Constitution be amended as proposed.

The Amendment cannot but be widely portrayed as a political instruction to the Census Bureau to count in such a way that one set of partisan interests are advanced and another retarded. Whether this is the intent of its sponsors is not at issue. Motivations don't interest me, consequences do. It is inevitable that extensive and heated public debate over the Amendment will endlessly repeat that partisan interests are behind change in how the census is taken. This will erode a basic principle that was clearly of central importance to the Founders, and has served the nation for more than two centuries. I urge the Amendment's sponsors to reflect deeply before taking this step. There will be no turning back.

If time permits, I will return to this line of reasoning in my concluding comments. But first I turn to issues related to my experience directing Census 2000.

Census Accuracy.

The proposed Amendment will lead to a less complete and less accurate census.

Under the terms of the Amendment, a significant number of non-citizens will not respond to the decennial census. Many members of the public, citizens and non-citizens alike, are wary about the census. I remind you of the privacy debate that erupted in 2000 when the census long-form reached one-sixth of America's households.

The debate was noisy and ill-informed, but wide-spread. It started with talk show hosts and editorial writers. Late night comics were quick to chime in. Political leaders, from small town mayors to a presidential candidate, added their views. President Bush, then a candidate, told the press that he understood "why people don't want to give over that information to the government. If I had the long form, I'm not so sure I would do it either." Many leaders were quick to denounce the census as a violation of privacy. The decennial census came to symbolize an "invasive federal government". One member of

Congress, who received the long form, said he found some questions “too nosy.” Saying he would not answer all of them, he added: “I’m happy to voluntarily cooperate with the government in areas where I decide it makes sense. Beyond that, it starts to meet the definition of intrusive.” Another Representative said he was “appalled and outraged by the intrusiveness” of the long-form questions. A Senate leader urged constituents to skip any questions they felt violated their privacy; and another similarly advised the public to, “just fill out what you need to fill out, and [not] anything you don’t feel comfortable with.” The U.S. Senate passed a nonbinding resolution urging that “no American be prosecuted, fined, or in any way harassed by the federal government” for not answering questions on the census long form.

I remind us of the privacy debate not to suggest that it will reoccur in 2010, which is unlikely given that the long-form will not be part of the decennial (having been replaced by the American Community Survey). The privacy debate in 2000 does, however, underscore the general wariness in our public about what is viewed as “government intrusiveness.” Based on extensive analysis of survey data on participation in the 2000 census, I have suggested in writings and lectures that the bond of trust between the public and the government is fragile. One essay, published in *SCIENCE* magazine, is titled “What if We Give a Census and No One Comes?” Although that title exaggerates the conditions before us, it is no exaggeration to state that the decennial census is vulnerable to a gradual withdrawal of public cooperation.

The proposed Amendment plays into this growing wariness by highlighting that the government has some need, block by block, to distinguish citizens from non-citizens. The nuanced reasons for the question, well-expressed by those who are testifying in support of the Amendment, will of course be lost to millions upon millions of Americans. The question will be treated with suspicion. Taking their cue from national leaders who, in 2000, said “skip the questions you don’t like or find intrusive,” many Americans, and not limited to non-citizens, will do just that. Census accuracy will suffer.

Further contributing to a decline in census cooperation will be a reduced effort by civic organizations and religious groups that in Census 2000 so successfully mobilized the communities that have traditionally hesitated or even refused to cooperate with the census. The success of the promotion effort in 2000 has been well documented by the GAO, by the Census Bureau’s internal evaluations, and by independent analysis (see *The Hard Count*, cited above). Time and again the appeal in the census partnership program stressed one central message -- “If you are not counted you are not represented.” In the Southwest, for example, the Catholic Church, reversing its stand-aside policy in previous decennials, energetically urged that everyone step forward and be counted in the census. The 2000 success in reaching the hard-to-locate and hard-to-count owes much to thousands of civic and religious organizations stepping forward on behalf of a full and accurate count. If we now tell these organizations that non-citizens are to be denied representation, the 2000 experience will not repeat and census coverage will be measurably less than what was achieved in that decennial.

There is also the prospect of fraudulent responses. Non-citizens, mistrustful of the government's promise that their answers to a census question can never be used against them, will misrepresent themselves on the census form. If the Congress were to instruct the Census Bureau to validate responses to a citizenship question, the entire census enterprise would be endangered.

A Census Endangered.

The Census Bureau, as the country's premier statistical agency, will adjust, if unhappily, to the deterioration in census coverage and data quality that is inevitable if a citizenship question is placed on the census form. Many factors make census-taking an imperfect science, and while it is unfortunate to add to that list Congress, if endorsed in the issue at hand by three-fourths of the States, can decide that some deterioration in quality is a worthwhile trade-off to realize the purposes of the Amendment.

If, however, Congress were to instruct the Census Bureau to validate the citizenship status of census respondents, much more than data quality is at stake. There is nothing in the terms of the Amendment to indicate that anyone has this in mind. But it is foolish to expect that census-taking is immune from anxieties that surround such issues as undocumented aliens, immigration enforcement, terrorism prevention, national identity cards, total information awareness, and a sharp increase in surveillance generally.

Everyone in this room understands the distinction between statistical information and individually identifiable data necessary to numerous legitimate government programs, and not just in the security arena. But this distinction is not well understood by the general public. Approximately half the public, for example, discounts the government's pledge of confidentiality regarding census and other statistical information.

The Census Bureau cannot become a quasi investigatory agency and still perform its basic responsibilities as a statistical agency. Responses to a citizenship question cannot be validated on a case-by-case basis. Although the bureau may devise ways to estimate the magnitude of misrepresentation in responses to a citizenship question at the national level, such an estimate would not likely be robust enough to be used in state-level counts – let alone at the smaller levels of geography relevant to congressional districting, state legislatures, and local government. Litigation over the accuracy of the count separating citizens and non-citizens is certainly a possibility.

(Obviously, if attention shifted from the distinction between citizens and non-citizens to the distinction between documented and undocumented or legal and illegal aliens, the concerns voiced in the preceding paragraphs are many times magnified.)

I urge the Amendment's sponsors to write accompanying legislation that strongly protects the Census Bureau from even the hint that it should validate responses to a citizenship question.

A Census Opportunity Lost

In Census 2000, the broad and successful promotion effort on behalf of census participation centered on the following message: “This [the census form itself] is your future. Don’t leave it blank.” The future was portrayed as less crowded schools, improved social services, and fairer distribution of federal funds. Promotional material emphasized that one’s community would benefit from a more complete count, with “community” sometimes indicated as the neighborhood and sometimes as a racial or ethnic community. Although not directly emphasized, these community benefits in large part stem from information provided in the census long-form.

Some residue of this message can be applied to a short-form only decennial census, which is the designed planned for 2010 and future censuses. In fact, the terms short-form and long-form now belong to history. But the new decennial census offers an opportunity for a differently presented promotion campaign. There is an opportunity for a profoundly important civic lesson for the country. This will happen if census advertising and promotion emphasizes the connection between population numbers and political representation. Such a message will increase public understanding of how our democracy works, not an insignificant lesson. Currently, the sequence from population distribution to apportionment and redistricting and from there to elections and from elections to public policy is not well understood by the general public. A mobilization campaign of the scope used in 2000 could be a civics lesson on the numerical underpinnings of representative democracy.

More ambitiously, the census can be designed as a civic ceremony – imagine 535 members of Congress completing their census form at the Jefferson Memorial on Census Day. The census is in fact the only such civic ceremony available to American political life. Our national holidays no longer bring us together as they once did. The census has the merit of being inclusive – everyone is to be counted; it is (hopefully) nonpartisan; it has consequences for the fundamental workings of our democracy at national, state, and local levels. It is certainly the only civic event which has its origins in the Constitution itself.

The census as a civic ceremony can build on what the public already acknowledges. Nearly three of every five Americans agree that “it is our civic responsibility to fill out the census” and more than half (56 percent) recognize that congress is reapportioned on the basis of the census numbers. This is a base on which to build a strong civics lesson into the census experience. This will be both more relevant and easier to accomplish in the new (short-form only) census design. The constitutional basis and purpose for the decennial census can be emphasized once it is no longer necessary to motivate millions of households to complete the long form.

This civics lesson works, of course, only if the census is viewed as the *nonpartisan* starting point of *partisan* political representation. As suggested above, the proposed Amendment threatens to derail this principle. If, as is likely, our respective political parties stake out conflicting positions on the Amendment, the promise of a census-based

civics lesson is lost. Instead, the lesson, however unintended, is that partisan interests determine who is counted and for what purposes.

The Census and Fairness

The Boston Tea Party was a defining moment in the founding of our remarkable system of representative democracy. Its rallying cry – no taxation without representation – is known to generations of school children as the political argument that launched the War for Independence, and led to the form of government we enjoy today. Sadly, as the proposed Amendment is debated across the country, “no taxation without representation” will be heard again – but this time in opposition not to the British crown but to an amendment to our revered Constitution. Lawful members of our society who pay income, property, and sales taxes, as well as for your and my social security, will ask why they are being denied the earliest and most basic right of our democracy – political representation. No taxation without representation will describe their plight.

These non-citizens do more than pay taxes; they are actively recruited into military service. Should it not trouble us to ask loyal Americans, who happen not to be citizens, to risk injury and death to extend democratic rights to Iraq that would now be taken away from them? Something doesn’t compute here.

What is special about the census is its reputation for advancing principles of fairness in American political life. This reputation rests on the deep principle that representation is allocated proportionate to population size -- not to census counts that distinguish property owners from the property less, well-educated from the less educated, voters from non-voters, or citizens from non-citizens. These distinctions have a place in public policy, but not in the fundamental starting point from which all policy-making springs. That constitutionally established starting point, we know, is representation proportionate to the number of lawful, tax-paying persons who make up our population.

Conclusions

Representative democracy has come a long way since 1790, when a handful of Senators and Representatives assembled to start the great experiment in self-government. Census taking has come a long way since 1790, when a handful of federal marshals rode into the countryside to enumerate our population. As anticipated by the Constitution, the census has carried the heavy weight assigned to it – in what can rightly be described as America’s longest, continuous scientific undertaking. Census accuracy and fairness matter in this story. Both will be compromised if the Constitution is amended along the lines now proposed. However let us grant that even a less accurate and a less fair census can still carry the weight assigned to it by the Constitution. We can still apportion; we can still redistrict; we can still allocate federal funds. These processes will rest on less accurate numbers than the Census Bureau has the expertise to provide, but perhaps that is a price the Amendment’s sponsors believe we should pay.

I am less confident about the future if the census is thought by millions upon millions of Americans to have been designed to advance partisan interests – even if this intent is absent among the Amendment’s sponsors. A census so understood will cease to command the confidence and respect that we rely upon. The decennial census is the bedrock of the nation’s number system, which in turn supplies information basic to our economy as well as our polity. I urge the Congress to respect the genius of the Founders, who took great care to separate how the census is taken from the political uses to which census numbers are applied. We undo their craftsmanship at our peril.